

DOROTHY D. GUILLORY
Attorney at Law
guldorothy@aol.com
1701 Harrison Street
Oakland, CA 94612
Telephone: (510) 836-2111
Facsimile: (510) 836-2112

Attorney for Plaintiff
MaryElla Davis

GORDON & REES LLP
RONALD K. ALBERTS Bar No. 100017
ralberts@gordonrees.com
LISA K. GARNER Bar No. 155554
lgarner@gordonrees.com
633 West Fifth Street, 52nd Floor
Los Angeles, CA 90071
Telephone: (213) 576-5000
Facsimile: (213) 680-4470

Attorneys for Defendant
Aetna Life Insurance Company
(erroneously sued and served as AETNA, Inc.)

SEDGWICK LLP
REBECCA HULL Bar No. 99802
rebecca.hull@sedgwicklaw.com
ERIN CORNELL Bar No. 227135
erin.cornell@sedgwicklaw.com
One Market Plaza
Steuart Tower, 8th Floor
San Francisco, CA 94105-1008
Telephone: (415) 781-7900
Facsimile: (415) 781-2635

Attorneys for Defendants
Bank of America Group Benefits Program; Metropolitan
Life Insurance Company

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

MARYELLA DAVIS,

Plaintiff,

v.

BANK OF AMERICA GROUP BENEFITS
PROGRAM; METROPOLITAN LIFE
INSURANCE COMPANY; AETNA, INC.,

Defendants.

Case No. 4:10-cv-05199-SBA

**STIPULATION AND [PROPOSED]
ORDER TO CONTINUE DATE TO
COMPLETE ADR**

1 Plaintiff MaryElla Davis and defendants Bank of America Group Benefits Program,
 2 Metropolitan Life Insurance Company, and Aetna Life Insurance Company (erroneously sued
 3 and served as AETNA, Inc.), by and through their respective attorneys of record, hereby agree
 4 and stipulate as follows:

5 1. On August 30, 2011, the Court ordered that the parties participate in mediation
 6 through the Northern District of California's ADR Program. (ECF No. 30.) Pursuant to the
 7 timelines set forth in the ADR Local Rules, the parties are to complete mediation on or before
 8 November 28, 2011.

9 2. On October 12, 2011, Stephen Schrey was appointed as the parties' mediator.
 10 (ECF No. 40.) On October 12, 2011, Mr. Schrey contacted the parties' respective counsel to
 11 schedule a pre-mediation telephone conference. The first mutually available date for the
 12 telephone conference is October 27, 2011.

13 3. The parties and the mediator have conferred and concluded that based upon the
 14 recent appointment of Mr. Schrey as the mediator and the upcoming holidays, the parties will
 15 not be able to find a mutually available date for mediation before the November 28, 2011
 16 mediation cut off.

17 WHEREFORE, the parties, by and through their respective counsel stipulate, and
 18 respectfully request that the Court order, as follows:

19 1. The parties agree to participate in mediation on or before January 31, 2012.

20 IT IS SO STIPULATED.

21 DATED: October 18, 2011 DOROTHY GUILLORY

22
 23 By: /s/ Dorothy Guillory (as authorized on 10/18/2011)

24 Dorothy Guillory
 25 Attorney for Plaintiff
 26 MaryElla Davis

26 //

27 //

28 //

1 DATED: October 18, 2011 GORDON & REES LLP

2
3 By: /s/ Lisa K. Garner (as authorized on 10/18/2011)

4 Ronald K. Alberts
5 Lisa K. Garner
6 Attorneys for Defendants
7 Aetna Life Insurance Company

8 DATED: October 18, 2011 SEDGWICK LLP

9 By: /s/ Rebecca A. Hull

10 Rebecca A. Hull
11 Erin A. Cornell
12 Attorneys for Defendants
13 BANK OF AMERICA GROUP BENEFITS
14 PROGRAM; METROPOLITAN LIFE INSURANCE
15 COMPANY

16
17 **ORDER**

18 IT IS HEREBY ORDERED that the last day for the parties to participate in mediation
19 is continued to January 31, 2012.

20 DATED: 10/20/11

21
22 
23 Honorable Sandra Brown Armstrong
24
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